IN THE DISTRICT COURT OF THE UNITED STATES FOR THE WESTERN DISTRICT OF NORTH CAROLINA **ASHEVILLE DIVISION**

CIVIL NO. 1:08CV194

BRANCH BANKING & TRUST COMPANY,)
Plaintiff,)
Vs.) JUDGMENT
FEDERAL DEPOSIT INSURANCE CORPORATION,)))
Defendant.)))

For the reasons stated in the Memorandum and Order filed herewith,

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED that the Plaintiff's motion for summary judgment is **DENIED**, the Defendant's motion for summary judgment is **ALLOWED**, the final administrative decision of the Defendant FDIC is AFFIRMED, and this action is hereby **DISMISSED WITH PREJUDICE** in its entirety.

Signed: May 20, 2009

Lacy H. Thornburg

United States District Judge